

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

G4S REGULATED SECURITY  
SOLUTIONS, A DIVISION OF  
G4S SECURE SOLUTIONS (USA) INC.  
f/k/a THE WACKENHUT CORPORATION

and

Cases 12-CA-26644  
12-CA-26811

THOMAS FRAZIER, an Individual

and

CECIL MACK, an Individual

**ACTING GENERAL COUNSEL'S CROSS-EXCEPTIONS TO  
THE ADMINISTRATIVE LAW JUDGE'S SUPPLEMENTAL DECISION**

Pursuant to Section 102.46 of the Rules and Regulations of the National Labor Relations Board, the undersigned Counsel for the Acting General Counsel files the following exceptions to the Supplemental Decision of the Administrative Law Judge William N. Cates (the ALJ), which issued on November 16, 2012.

Cross-Exception No. 1: The ALJ erred by failing to find and conclude that Respondent indefinitely suspended Thomas Frazier on February 12, 2010, because he engaged in protected concerted activity and to discourage employees from engaging in these or other concerted activities. (ALJSD 7:1-2; 8:9-21)<sup>1</sup>

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<sup>1</sup> References in these cross-exceptions to the Administrative Law Judge's Supplemental Decision and the accompanying brief in support thereof are designated as "ALJSD" followed by the appropriate page(s) and line(s). "Tr" refers to transcript pages identified by page and line. "GCX" refers to exhibits of the Acting General Counsel. "RX" refers to Respondent's exhibits.

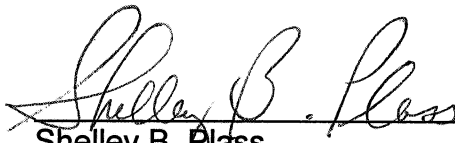
Cross-Exception No. 2: The ALJ erred by failing to find and conclude that Respondent indefinitely suspended Cecil Mack on February 2, 2010, because he engaged in protected concerted activity and to discourage employees from engaging in these or other concerted activities. (ALJSD 7:1-2; 8:9-21).

Cross-Exception No. 3: The ALJ erred by failing to including in the recommended remedy, Board Order and Notice to Employees, appropriate language regarding the unlawful suspensions of Thomas Frazier and Cecil Mack, including make whole relief, interest, remedies regarding lump sum backpay awards and reporting to the Social Security Administration pursuant to *Latino Express, Inc.*, 359 NLRB No. 44 (2012), expungement of references to the suspensions from its files, and appropriate language in the Notice to Employees. (ALJSD 9:1-10:10, Appendix).

Cross-Exception No. 4: The ALJ erred by failing to find and conclude that, as part of the remedy for its unlawful suspensions and discharge, Respondent is liable for reimbursing Thomas Frazier and Cecil Mack for any excess federal income taxes owed upon receiving a lump sum backpay award covering more than one year of backpay, and for notifying the Social Security Administration as to the appropriate periods in which to allocate backpay. See *Latino Express, Inc.*, 359 NLRB No. 44 (2012). (ALJSD 8:28-36).

Accordingly, it is respectfully requested that the Board grant the Acting General Counsel's cross-exceptions and modify the Administrative Law Judge's Supplemental Decision in the above respects, as further explained in the accompanying brief.

DATED at Miami, Florida this 11<sup>th</sup> day of January, 2013.

A handwritten signature in cursive script, reading "Shelley B. Plass", is written over a horizontal line.

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of Acting General Counsel's Cross-Exceptions to the Administrative Law Judge's Supplemental Decision in the matter of G4S Regulated Security Solutions, A Division of G4S Secure Solutions (USA), Inc., f/k/a The Wackenhut Corporation, Cases 12-CA-26644 and 12-CA-26811 were served electronically upon the following individuals on this 11<sup>th</sup> day of January, 2013.

By electronic filing:

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National Labor Relations Board  
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By electronic mail:

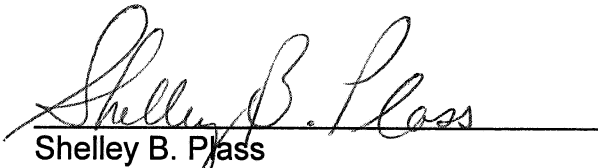
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